

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
HOWARD SILVER,

Plaintiff,

against-

RHONA SILVER, HUNTINGTON TOWN HOUSE,
HUNTINGTON TOWN HOUSE INC., NEW
HUNTINGTON TOWN HOUSE, HUNTINGTON
REALTY LLC, SILVER HUNTINGTON
TOWNHOUSE LLC, SILVER HUNTINGTON
REALTY LLC, SILVER HUNTINGTON
ENTERPRISES, LLC, RHOBAR DEVELOPMENT
ASSOCIATES, LLC, RHOBAR, INC., RHONA
SILVER ENTERPRISES-ALF LLC, RHONA SILVER
ENTERPRISES-EXPO LLC, RHONA SILVER

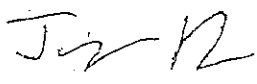
ENTERPRISES-HOTEL, LLC,

Defendants.
-----X

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to serve upon plaintiffs' attorney an answer to the verified complaint in this action within twenty (20) days after service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In the case of your failure to answer, judgment will be taken against you by default for the relief demanded in the verified complaint. The basis of venue is plaintiffs' place of business and the location of the premises involved.

Dated: New York, New York
February 06, 2007


David A. Kaminsky & Associates, P.C.
By: Jerry Dobin, Esq.
Attorney for Plaintiff
325 Broadway, Suite 504
New York, NY 10007
(212) 571-1227

TO:

RHONA SILVER
124 East Jericho Turnpike
Huntington Station, NY 11746

HUNTINGTON TOWN HOUSE
124 East Jericho Turnpike
Huntington Station, NY 11746

HUNTINGTON TOWN HOUSE INC.
124 East Jericho Turnpike
Huntington Station, NY 11746

NEW HUNTINGTON TOWN HOUSE
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HUNTINGTON REALTY LLC
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SILVER HUNTINGTON TOWNHOUSE LLC
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SILVER HUNTINGTON REALTY LLC
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SILVER HUNTINGTON ENTERPRISES, LLC
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RHOBAR DEVELOPMENT ASSOCIATES, LLC
124 East Jericho Turnpike
Huntington Station, NY 11746

RHOBAR, INC.,
124 East Jericho Turnpike
Huntington Station, NY 11746

RHONA SILVER ENTERPRISES-ALP, LLC
124 East Jericho Turnpike
Huntington Station, NY 11746

RHONA SILVER ENTERPRISES-EXPO, LLC
124 East Jericho Turnpike
Huntington Station, NY 11746

RHONA SILVER ENTERPRISES-HOTEL, LLC
124 East Jericho Turnpike
Huntington Station, NY 11746

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
HOWARD SILVER,

Plaintiff,

Index No.: 05097/07

**VERIFIED
COMPLAINT**

-against-

RHONA SILVER, HUNTINGTON TOWN HOUSE,
HUNTINGTON TOWN HOUSE INC., NEW
HUNTINGTON TOWN HOUSE, HUNTINGTON
REALTY LLC, SILVER HUNTINGTON
TOWNHOUSE LLC, SILVER HUNTINGTON
REALTY LLC, SILVER HUNTINGTON
ENTERPRISES, LLC, RHOBAR DEVELOPMENT
ASSOCIATES, LLC, RHOBAR, INC., RHONA
SILVER ENTERPRISES-ALF LLC, RHONA SILVER
ENTERPRISES-EXPO, LLC, RHONA SILVER
ENTERPRISES-HOTEL, LLC,

Defendants.
-----X

The Plaintiff, HOWARD SILVER, by his attorneys, David A. Kaminsky & Associates, P.C., et al and for his Verified Complaint, alleges that:

PARTIES

1. Plaintiff HOWARD SILVER is an individual residing at 500 East 77th Street, Apt. 731, New York, New York.
2. Defendant RHONA SILVER is an individual with a business address of 124 East Jericho Turnpike, Huntington Station, New York.
3. That upon information and belief Defendants HUNTINGTON TOWN HOUSE, HUNTINGTON TOWN HOUSE INC., NEW HUNTINGTON TOWN HOUSE, HUNTINGTON REALTY LLC, SILVER HUNTINGTON TOWNHOUSE LLC, SILVER

HUNTINGTON REALTY, LLC, SILVER HUNTINGTON, LLC, HUNTINGTON TOWN HOUSE MOTOR LODGE INC., SILVER HUNTINGTON ENTERPRISES, LLC, ACKERLY ASSOCIATES, LLC, GLOBAL FOOD SERVICES, LLC, RHOBAR DEVELOPMENT ASSOCIATES, LLC, RHOBAR, INC., RHONA SILVER ENTERPRISES-1LF LLC, RHONA SILVER ENTERPRISES-EXPO, LLC, RHONA SILVER ENTERPRISES-UNITS, LLC and RHONA SILVER ENTERPRISES-HOTEL, LLC are each entities owned or partially owned by Defendant RHONA SILVER and/or are owners or partial owners of business interests, realty or other assets generally located at 124 East Jericho Turnpike, Huntington Station, New York.

FACTS

4. Defendant RHONA SILVER has for the last several years co-owned and co-managed various businesses and property for which Plaintiff HOWARD SILVER ("Plaintiff") owns a 50% ownership.

5. On April 30, 1997, Defendant Rhona Silver prepared and signed a letter evidencing that she held "a 50% interest in the profits and capital of Silver Huntington Enterprises, LLC and Silver Huntington Realty, LLC for the benefit of [her] brother Howard Silver residing at 500 East 77th Street, New York, N.Y." (annexed hereto as Exhibit A)

6. To date, Defendant Rhona Silver has failed to provide the Plaintiff with his 50% interest in the aforementioned businesses.

AS AN AFFIDAVIT FOR A FIRST CAUSE OF ACTION: ACCOUNTING

7. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 6 with the same force and effect as if fully stated hereinafter.

8. Since 1997, Defendants have received amounts from Plaintiff for the purposes of purchasing and operating various businesses and properties, including but not limited to the property located at 124 East Jericho Turnpike, Huntington Station, New York and the businesses located therein, 50% of which is owned by the Plaintiff.

9. Upon information and belief, Defendants have diverted and converted some of the aforementioned amounts from the purposes intended.

10. Defendant Rhona Silver has refused to communicate with Plaintiff respecting the operation of the business and properties, as well as the aforementioned diversion and conversion.

11. The amounts diverted and converted can only be ascertained through an accounting, for which relief Plaintiff has no adequate remedy at law.

AS AND FOR A SECOND CAUSE OF ACTION: CONSTRUCTIVE TRUST

12. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 11 with the same force and effect as if fully stated hereinafter.

13. At all times herein mentioned, Plaintiff, who is the brother of Defendant Rhona Silver, had a trusting and confidential relationship with Defendant Rhona Silver.

14. Upon the purchase of the above-mentioned businesses and properties in 1997, Defendant Rhona Silver promised that Plaintiff had a 50% interest in such businesses and properties.

15. Since the purchase of the businesses and properties, Defendant Rhona Silver continuously assured Plaintiff that Plaintiff had a 50% interest in the businesses and properties.

16. In reliance upon such promises and assurances, Plaintiff continued to contribute significant sums to the maintenance of said businesses and properties without demand for repayment, and Plaintiff worked on behalf of said businesses and properties for three years without demand or receipt of payment.

17. Because there was a confidential relationship between the parties, that promises were made by Defendants that were unfulfilled, that there was a transfer of monies and work by Plaintiff based on Plaintiff's reliance on such promises, and that there was a breach of said promises with unjust enrichment to Defendants, a constructive trust should be set up and created with reference to all of the businesses and properties co-owned by Plaintiff and Defendants.

18. Plaintiff has no adequate remedy at law.

AS A THIRD CAUSE OF ACTION: JOINT VENTURE

19. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 18 with the same force and effect as if fully stated hereinafter.

20. Plaintiff and Defendants agreed to pool their resources, monies and labor into purchasing and developing the aforementioned businesses and properties, to jointly run said businesses and properties, and to share in the profits of said businesses and properties on a fifty-fifty basis.

21. Pursuant to CPLR 3001, Plaintiff is seeking a Declaratory Judgment that a joint venture has existed and currently exists between Plaintiff and Defendants, and that such joint venture partnership is an equal partnership, with Plaintiff owning 50% of such joint venture partnership.

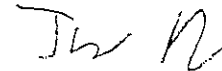
22. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff demands as follows:

- (a) that there be an accounting of all sums, assets and properties advanced by Plaintiff to Defendants and/or all sums, assets and properties co-owned by Plaintiff and Defendants;
- (b) a constructive trust should be set up and created with reference to all of the businesses and properties co-owned by Plaintiff and Defendants;
- (c) a Declaratory Judgment under CPLR 3001 that a joint venture has existed and currently exists between Plaintiff and Defendants, and that such joint venture partnership is an equal partnership, with Plaintiff owning 50% of such joint venture partnership; and
- (d) such other and further relief as may be just and proper.

Dated: New York, New York
February 6, 2007

Yours etc.,



DAVID A. KAMINSKY & ASSOCIATES,
P.C.

By: Jerry Dobin, Esq.
Attorneys for Plaintiff
325 Broadway, Suite 504
New York, New York 10007
(212) 571-1227

TO:

RHONA SILVER
124 East Jericho Turnpike
Huntington Station, NY 11746

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Huntington Station, NY 11746

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RHONA SILVER ENTERPRISES-ALF, LLC
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RHONA SILVEE ENTERPRISES-EXPO, LLC
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RHONA SILVEE ENTERPRISES-HOTEL, LLC
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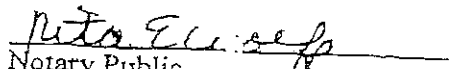
VERIFICATION

State of New York)
) s.s.:
County of New York)

HOWARD SILVER, being duly sworn, deposes and says that:
I am the Plaintiff in the within action; and I have read the foregoing Verified Complaint
and know the contents thereof; and the same is true to my own knowledge except as to
the matters therein stated to be alleged upon information and belief, and as to those
matters I believe to be true.


HOWARD SILVER

Subscribed and sworn to before me
This 6th day of February, 2007


Notary Public

RITA E. WOLFE
Notary Public, State of New York
No. 01WC 053480
Qualified in Suffolk County
Commission Expires 01/06/2011

EXHIBIT A

April 30, 1997

This is to acknowledge that

The undersigned holds a 50%
interest in the profits and Capital

of Silver Huntington Enterprises, LLC

and Silver Huntington Realty LLC.

for the benefit of my brother

Howard Silver residing at
500 E 77th Street, New York City.

Philip Silver

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
HOWARD SILVER,

Index No.: 05097/07

Plaintiff,

NOTICE OF
PENDENCY

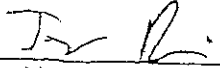
against-

RHONA SILVER, HUNTINGTON TOWN HOUSE,
HUNTINGTON TOWN HOUSE INC., NEW
HUNTINGTON TOWN HOUSE, HUNTINGTON
REALTY LLC, SILVER HUNTINGTON
TOWNHOUSE LLC, SILVER HUNTINGTON
REALTY LLC, SILVER HUNTINGTON
ENTERPRISES, LLC, RHOBAR DEVELOPMENT
ASSOCIATES, LLC, RHOBAR, INC., RHONA
SILVER ENTERPRISES-ALF LLC, RHONA SILVER
ENTERPRISES-EXPC, LLC, RHONA SILVER
ENTERPRISES-HOTEL, LLC,

Defendants.
-----X

NOTICE IS HEREBY GIVEN that a action has been commenced and is now pending in this Court upon the summons and complaint of the above-named Plaintiff, HOWARD SILVER, against the above named Defendants, RHONA SILVER, HUNTINGTON TOWN HOUSE, HUNTINGTON TOWN HOUSE INC., NEW HUNTINGTON TOWN HOUSE, HUNTINGTON REALTY LLC, SILVER HUNTINGTON TOWNHOUSE LLC, SILVER HUNTINGTON REALTY LLC, SILVER HUNTINGTON ENTERPRISES, LLC, RHOBAR DEVELOPMENT ASSOCIATES, LLC, RHOBAR, INC., RHONA SILVER ENTERPRISES-ALF LLC, RHONA SILVER ENTERPRISES-EXPO, LLC, RHONA SILVER ENTERPRISES-HOTEL, LLC for a judgment directing the sale of real property by a sheriff or receiver as of the date of the commencement of this action: and that the real property in the County of Richmond affected thereby is particularly described as all that certain plot, piece or parcel of land, with buildings and improvements thereon erected, at 100 Royal Oak Road, Staten Island, NY Block 329, Lot 34, and described on SCHEDULE "A" annexed hereto.

Dated: New York, New York
February 6, 2007

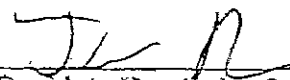


David A. Kaminsky & Associates, P.C.
By: Jerry Dobin, Esq.
Attorney for Plaintiff
325 Broadway, Suite 504
New York, NY 10007
(212) 571-1227

TO THE CLERK OF THE COUNTY OF SUFFOLK:

You are hereby directed to index the foregoing Notice of Pendency to the name of Defendants:
 RHONA SILVER, HUNTINGTON TOWN HOUSE, HUNTINGTON TOWN HOUSE INC.,
 NEW HUNTINGTON TOWN HOUSE, HUNTINGTON REALTY LLC, SILVER
 HUNTINGTON TOWNHOUSE LLC, SILVER HUNTINGTON REALTY LLC, SILVER
 HUNTINGTON ENTERPRISES, LLC, RHOBAR DEVELOPMENT ASSOCIATES, LLC,
 RHOBAR, INC., RHONA SILVER ENTERPRISES-ALF LLC, RHONA SILVER
 ENTERPRISES-EXP, LLC, RHONA SILVER ENTERPRISES-HOTEL, LLC.

Dated: New York, New York
 February 6, 2007


 David A. Kaminsky & Associates, P.C.
 By: Jerry Dobin, Esq.
 Attorney for Plaintiff
 325 Broadway, Suite 504
 New York, NY 10007
 (212) 571-1227

TO:

RHONA SILVER
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RHONA SILVER ENTERPRISES-HOTEL, LLC
124 East Jericho Turnpike
Huntington Station, NY 11746

SCHEDULE "A"

Title No. CLC 20287S

SCHEDULE A

FOR REPORTING PURPOSES ONLY

DISTRICT: 0400 SECTION: 198.00 BLOCK: 01.00 LOTS: 062.000, 063.000, 064.000, 065.000 and 066.000
on the Tax Map of Suffolk County

ALL that certain plot, piece or parcel of land, situate, lying and being at Huntington Station, in the Town of Huntington, County of Suffolk, and State of New York, being bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of Jericho Turnpike with the westerly side of Ackerly Court;

RUNNING THENCE South 10 degrees 33 minutes 20 seconds West along the westerly side of Ackerly Court, 384.88 feet;

THENCE North 79 degrees 26 minutes 40 seconds West, 220.01 feet;

THENCE North 10 degrees 33 minutes 20 seconds East, 83.53 feet;

THENCE North 79 degrees 26 minutes 40 seconds West, 100.00 feet;

THENCE North 10 degrees 33 minutes 20 seconds East, 304.62 feet to the southerly side of Jericho Turnpike;

THENCE South 78 degrees 51 minutes 20 seconds East along the southerly side of Jericho Turnpike, 320.02 feet to the corner, the point or place of BEGINNING.

DISTRICT: 0400 SECTION: 198.00 BLOCK: 03.00 LOT: 001.000, 002.000, 004.001, 005.000, 006.000, 007.000, 008.000 and 010.000
on the Tax Map of Suffolk County

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Huntington, County of Suffolk, and State of New York, being bounded and described as follows:

BEGINNING at a point at the intersection of the southerly side of Jericho Turnpike (S.R. 25) and the easterly side of Ackerly Court;

RUNNING THENCE easterly from said point of beginning along the southerly side of Jericho Turnpike (S.R. 25), South 78 degrees 51 minutes 20 seconds East, 1,099.01 feet and along an arc of a curve to the left having a radius of 1,087.00 feet and a length of 213.21 feet to land now or formerly of Dementer LLC;

THENCE southerly, westerly and southerly along said land of Dementer LLC and along land now or formerly of the Town of Huntington the following six (6) courses and distances:

1. South 05 degrees 42 minutes 50 seconds East, 113.73 feet;
2. South 10 degrees 14 minutes 10 seconds West, 90.32 feet;
3. North 77 degrees 27 minutes 10 seconds West, 90.32 feet;
4. North 89 degrees 23 minutes 30 seconds West, 2.58 feet;
5. South 01 degree 36 minutes 40 seconds West, 50.20 feet;
6. South 00 degrees 05 minutes 00 seconds East, 89.80 feet to land now or formerly of Hargreaves;

THENCE westerly and southerly along said land of Hargreaves, as well as lands now or formerly of Bahrenberg and Geiger, North 89 degrees 23 minutes 30 seconds West, 389.39 feet and South 00 degrees 36 minutes 30 seconds West, 60.48 feet to the "Map of Parkside Hills, Section No. 2";

THENCE generally westerly along said "Map of Parkside Hills, Section No. 3", as well as along the "Map of Parkside Hills, Section No. 2" the following four (4) courses and distances:

1. South 73 degrees 07 minutes 30 seconds West, 359.36 feet;
2. North 87 degrees 43 minutes 45 seconds West, 127.97 feet;
3. North 65 degrees 47 minutes 20 seconds West, 162.96 feet;
4. North 86 degrees 33 minutes 40 seconds West, 200.26 feet to the easterly side of Iceland Drive;

THENCE generally northerly along the easterly side of Iceland Drive and along the easterly side of Ackerly Court the following four (4) courses and distances:

1. North 04 degrees 10 minutes 50 seconds East, 151.88 feet;
2. North 26 degrees 36 minutes 40 seconds West, 112.00 feet;
3. North 79 degrees 28 minutes 40 seconds West, 14.69 feet;
4. North 10 degrees 31 minutes 20 seconds East, 384.40 feet to the intersection of the southerly side of Jericho Turnpike (S.R. 25) and the easterly side of Ackerly Court and the point or place of BEGINNING.

DISTRICT: 0400 SECTION: 198.00 BLOCK: 03.00 LOT: 014.000
on the Tax Map of Suffolk County

ALL that certain plot, place or parcel of land, situate, lying and being in the Town of Huntington, County of Suffolk, and State of New York, being bounded and described as follows:

BEGINNING at a point at the northwesterly corner of the herein described parcel on the easterly side of Iceland Drive, 399.09 feet south of the southerly side of Jericho Turnpike (S.R. 25), as measured along the easterly side of Ackerly Court;

RUNNING THENCE easterly from said point of beginning along the southerly side of land of Rhobar, Inc. (other lands of the Huntington Town House), the following five (5) courses and distances:

1. South 87 degrees 22 minutes 49 seconds East, 177.84 feet
2. South 85 degrees 54 minutes 10 seconds East, 196.14 feet;
3. North 87 degrees 58 minutes 40 seconds East, 100.18 feet;
4. South 87 degrees 02 minutes 40 seconds East, 201.30 feet;
5. South 89 degrees 23 minutes 30 seconds East, 187.05 feet to a point;

THENCE southerly partially along said land of Rhobar, Inc. and also along land now or formerly of Geiger, South 00 degrees 35 minutes 56 seconds West, 139.85 feet and South 00 degrees 36 minutes 30 seconds West, 60.48 feet to the "Map of Parkside Hills, Section No. 2";

THENCE generally westerly along said Map of Parkside Hills Section 2, as well as along the "Map of Parkside Hills, Section No. 3", the following four (4) courses and distances:

1. South 73 degrees 07 minutes 30 seconds West, 359.36 feet;
2. North 87 degrees 43 minutes 45 seconds West, 127.97 feet;
3. North 65 degrees 47 minutes 20 seconds West, 162.96 feet;
4. North 86 degrees 33 minutes 40 seconds West, 200.26 feet to the easterly side of Iceland Drive;

THENCE generally northerly along the easterly side of Iceland Drive, the following two (2) courses and distances:

1. North 04 degrees 10 minutes 50 seconds East, 151.88 feet;
2. North 26 degrees 36 minutes 40 seconds West, 112.00 feet; to the point or place of BEGINNING.

PLEASE TAKE NOTICE

☐ that the within is a (certified) true copy of a
entered in the office of
the clerk of the within named Court on

☐ that on Order of which the within is a true copy
will be presented for sentence to the
Honorable one of
the judges of the within named Court, at
on
at

Dated: _____

DAVID A. KAMINSKY & ASSOCIATES, P.C.

Attorney for

325 BROADWAY - SUITE 504
NEW YORK, NEW YORK 10007

Pursuant to 22 NYCRR 130-1.1, the undersigned, an
attorney admitted to practice in the courts of New York
State, certifies that, upon information and belief and
reasonable inquiry, the contentions contained in the
enclosed document are not frivolous.

Dated: _____

Michael D. Sheridan, Esq.
February 6, 2007

DAVID A. KAMINSKY & ASSOCIATES, P.C.

Attorney for

325 BROADWAY - SUITE 504
NEW YORK, NEW YORK 10007

To

Attorney(s) for

Index No.

US031101

Year

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

HOWARD SILVER,

-against- Plaintiff,

RHONA SILVER, HUNTINGTON TOWN HOUSE,
HUNTINGTON TOWN HOUSE INC., NEW HUNTINGTON
TOWN HOUSE, HUNTINGTON REALTY LLC, SILVER
HUNTINGTON TOWNHOUSE LLC, SILVER HUNTINGTON
REALTY LLC, SILVER HUNTINGTON ENTERPRISES LLC,
RHOBAR DEVELOPMENT ASSOCIATES, LLC, RHOBAR, INC.,
RHONA SILVER ENTERPRISES-ALF LLC,
RHONA SILVER ENTERPRISES-EXPO, LLC, and
RHONA SILVER ENTERPRISES-HOTEL, LLC,

Defendants.

NOTICE OF PENDENCY

DAVID A. KAMINSKY & ASSOCIATES, P.C.
Attorney for PLAINTIFF

325 BROADWAY - SUITE 504
NEW YORK, NEW YORK 10007
(212) 571-1227

To

Attorney(s) for

Service of a copy of the within

Dated,

is hereby admitted.

Attorney(s) for